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GABRIEL P. HARVIS
BAREE N. FETT

December 8, 2015

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Soto v. City of New York, et al.*, 15 CV 7032 (KPF)

Your Honor:

I represent plaintiff in the above-referenced action. I write pursuant to the Civil Case Management Plan and Scheduling Order (“Scheduling Order”) in this matter dated November 5, 2015, to respectfully request, *nunc pro tunc*, leave to amend the complaint.¹ The undersigned apologizes to the Court for the belated nature of this request.

Pursuant to the Scheduling Order, defendants’ initial disclosures identifying individuals involved in the incident were due by November 19, 2015. Plaintiff received this information yesterday.² Upon reviewing the information and conferring with defense counsel, plaintiff has added officers identified by defendants in their disclosures; no substantive changes have been made to the complaint. If it pleases the Court, attached hereto is plaintiff’s Proposed First Amended Complaint for the Court’s review. Defendants consent to this application and the proposed amendment.

¹Pursuant to the Scheduling Order, a motion requesting leave to amend was due by December 4, 2015.

²Plaintiff served his Initial Disclosures upon defendants on November 6, 2015.

Hon. Katherine Polk Failla

Dec. 8, 2015

I thank the Court for its consideration of this request.

Respectfully submitted,



Baree N. Fett

cc: Ben Kuruvilla, Esq.

Plaintiff's request to file an Amended Complaint is GRANTED.
Plaintiff must file the Amended Complaint on or before
December 11, 2015.

SO ORDERED.



Dated: December 8, 2015
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE